

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CODY ALAN HARRINGTON,

Defendant.

CR 23–24–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 27.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Defendant Cody Alan Harrington is charged with one count of attempted coercion and enticement of a minor, in violation of 18 U.S.C. § 2422(b) (Count I), and two counts of sex trafficking of children, in violation of 18 U.S.C. § 1591(a), (b)(2) (Counts II–III). (Doc. 1.) Judge DeSoto recommends that this Court accept

Harrington's guilty plea as to Counts II and III after Harrington appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. In light of the United States' motion for preliminary order of forfeiture (Doc. 29), the Court will address the issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 27) is ADOPTED in full.

IT IS FURTHER ORDERED that Harrington's Notice of Intent to Plead Guilty (Doc. 19), which the Court construes as a Motion to Change Plea, is GRANTED.

IT IS FURTHER ORDERED that Harrington is adjudged guilty as charged in Counts II and III of the Indictment.

DATED this 7th day of August, 2023.



Dana L. Christensen, District Judge
United States District Court